

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0390 Workers' Compensation Commission

ACT#: 227

SECTION#: 8

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CARRY FORWARD. Any unexpended balance of appropriation approved for the purchase of computer software and hardware by Item (07) in Section 3 of this Act, which remains at the close of the fiscal year ending June 30, ~~2004~~ 2006, shall be carried forward and made available for the same purpose for the fiscal year ending June 30, ~~2005~~ 2007 after having received prior approval by the Arkansas Legislative Council or Joint Budget Committee.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Workers' Compensation Commission may operate more efficiently if some flexibility is provided to the Workers' Compensation Commission authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by

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a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

QUARTERLY REPORTS. Due to the critical role of the Health and Safety and Medical Cost Containment Programs to the overall programs of the Workers' Compensation Commission (WCC), the WCC shall provide quarterly reports to the Arkansas Legislative Council and to the House and Senate Committees on Public Health, Welfare, and Labor on the progress of the Health and Safety Program and the Medical Cost Containment Program, in such detail as may be required by either body. These reports shall be posted on the agency's web page.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

Arkansas Code 11-9-703 concerning preliminary conference procedures for the Workers Compensation Commission is amended to add a new subdivision to read as follows:

(5) No monies appropriated by Act 1046 of 1987 or any other Act shall be expended to fund preliminary conferences held pursuant to Arkansas Code 11-9-102, 11-9-205, 11-9-501 - 503, 11-9-517, 11-9-521 - 522, 11-9-527, 11-9-701 - 704, 11-9-715, 11-9-802, 11-9-804 other than in the county where the accident occurred, if the same occurred in this State, the county of the claimant's residence, or such other county as agreed to by the parties.

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EXECUTIVE RECOMMENDATION

MANAGED CARE IMPLEMENTATION. Implementation of Workers' Compensation Commission Rule 33 (Managed Care) shall be voluntary for all employers.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

WORKERS' COMPENSATION COVERAGE. Municipalities with populations over one hundred fifty thousand (150,000) citizens or their sewer committees are specifically authorized to provide workers' compensation coverage for their officials and employees through either private carriers or by self-funding on either a statewide or individual basis.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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FUND BALANCES - WORKER'S COMPENSATION FUND, DEATH AND PERMANENT TOTAL DISABILITY TRUST FUND AND SECOND INJURY TRUST FUND. (A) For all appropriations as provided in this Act, the agency disbursing officer shall monitor the level of fund balances in relation to expenditures on a monthly basis. If any proposed expenditures would cause the Worker's Compensation Fund to decline below ~~four million twenty five thousand five hundred ninety one dollars (\$4,025,591)~~ three million four hundred forty thousand two hundred dollars (\$3,440,200), the Death and Permanent Total Disability Trust Fund to decline below ~~sixty eight million, six thousand five hundred fifty one dollars (\$68,006,551)~~ sixty-nine million, nine hundred forty nine thousand seven hundred forty dollars (\$69,949,740) or the Second Injury Trust Fund to decline below ~~five million four hundred nine thousand six hundred six dollars (\$5,409,606)~~ three million, two hundred twenty-nine thousand eight hundred forty-one dollars (\$3,229,841), the disbursing officer shall immediately notify the executive head of the agency. Prior to any obligations being made under these circumstances, the agency head shall file written documentation with the Chief Fiscal Officer of the State requesting approval of the expenditures. Such documentation shall provide sufficient financial data to justify the expenditures and shall include the following:

- 1) a plan that clearly indicates the specific fiscal impact of such expenditures on the fund balance.

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2) information clearly indicating and explaining what programs would be cut or any other measures to be taken by the agency to restore the fund balance.

3) the extent to which any of the planned expenditures are for one-time costs or one-time purchase of capitalized items.

4) a statement certifying that the expenditure of fund balances will not jeopardize the financial health of the agency, nor result in a permanent depletion of the fund balance.

(B) The Chief Fiscal Officer of the State shall review the request and approve or disapprove all or any part of the request, after having sought prior review by the Legislative Council.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.